$230.00-126

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
KLAUS W. HARTIG, et al.	)	Examiner: T. Speer
Serial No.: 08/486,643	)	Group Art Unit: 1315
Filed: June 7, 1995	)	Atty. Dkt. No.: 2372.853
For: METHOD OF MAKING HEAT TREATABLE, DURABLE, IR-REFLECTING SPUTTER-COATED GLASSES	)	

TRANSMITTAL LETTER

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The attached Supplemental Information Disclosure Statement (with accompanying PTO-1449 and references cited) is being filed in accordance with 37 CFR §1.97, ¶(c). Also attached, pursuant to 37 CFR §1.17(p), is the undersigned's check in the amount of $230.00 for the required fee for filing the attached Supplemental I.D.S.

Respectfully Submitted,

Geoffrey R. Myers
Reg. No. 24,897
Attorney for Applicants

Attachments

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I hereby certify that the attached is being hand-delivered to Group 1315 this 29th day of of January, 1997.

Geoffrey R. Myers, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES)

#14 8-5-98

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SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to their duty to disclose, Applicants wish to bring to the attention of the Examiner certain prior art which has been cited in a search by the European Patent Office regarding the EPO application related to the parent application, Serial No. 08/102,281, as well as U.S. Patent No. 5,563,734 issued October 8, 1996 and recently brought to Applicants' attention.

An appropriate PTO 1449 is attached hereto, as is a copy of the EPO Search Report and all references listed.

As can be seen, the EPO Search Report cites references (in the EPO patent form) which the Examiner herein has actually already considered (in their U.S. patent form) pursuant to

Applicants' initial IDS Statement. As an aid to the Examiner, Applicants have marked the EPO Search Report with the designation "IDS" wherever such an overlap occurs. As a further aid to the Examiner, Applicants also provide herewith a copy of the U.S. patent counterpart to the EPO patents cited in the EPO Search Report, but not found in Applicants' original IDS.

The references, then, not yet considered by the Examiner (assuming he has not already done so in his search) are:

U.S.A.	EPO
5,563,734	(not cited by EPO)
5,543,229	0546302
5,403,458	0638659
4,826,525	0301755
4,960,645	0386993
(i.e. 5,242,560)	(same)

As documents, these references (including all references in the EPO Search Report, copies submitted herewith) are self-explanatory and speak for themselves. The Examiner, in this respect, is respectfully requested to consider them on his own. The following is simply an incomplete synopsis of each of the ones not in Applicants' original IDS:

U.S. Patent No. 5,563,734 (Wolfe, et. al.) does not disclose the claimed layer coating system of this application. In short, wolfe, et al. makes no assertion that the layer systems disclosed

are "heat treatable" as that term is defined in the subject application and used in the subject claims under examination. This failure to allege heat treatability is entirely consistent with this reference's use of silver and the nitriding of the Cr in his nickel, chromium layers. The subject claims specifically call for the layer of nickel or nickel alloy to be "substantially metallic" and thus not substantially nitrided as called for in Wolfe, et. al. Applicants represent, in fact, that they have personal experience with making exemplar coatings according to this reference (Applicants' assignee is a licensee of BOC Group, Inc., the assignee of the Wolfe '734 patent) and have found such layer systems not to be heat treatable. Applicants' claimed invention is specifically recited as being heat treatable. The dependent claims further distinguished over Wolfe, et. al., such as by reciting that the layer system is free of silver or that it also includes an undercoat of Si_3N_4.

U.S. Patent No. 5,543,229 (EP-A-0546302) to Ohsaki, et. al. alleges heat treatability of its layer coating system. However, this system is entirely distinct from Applicants' in that it recites no use of nickel or nickel alloy, as well as nitriding the layer which may be Cr.

U.S. Patent No. 5,403,458 (EP-A-0638659) to Hartig, et. al. (i.e. two of the three inventors of the subject application) is directed to using a dopant component in a target to alleviate the need for anode reconditioning. While discussing the use of Si_3N_4, it fails to teach the subject layer system. The EPO cites this reference merely as "technology background."

U.S. Patent No. 4,826,525 (EP-A-0301755) asserts a type of heat treatability for layer coating systems which are obviously different than those recited in the subject application. As asserted, a thin layer of aluminum is applied to achieve the deserved results. While nickel or chromium may be employed (or stainless steel), no Si_3N_4 appears to be disclosed. The EPO cites this reference merely as "technological background."

U.S. Patent No. 4,960,645 [Counterpart 5,242,560] (EP-A-0386993) to Lingle, et. al. (i.e. one of the three inventors of the subject invention). This '645 patent has actually been withdrawn. It was incorrectly issued from an abandoned application by the USPTO. Its properly issued sequel is the aforesaid '560 patent. Neither reference discloses the use of the subject layer system. While employing a high nickel content alloy to help achieve heat treatability, SnO_2 layer(s) and an optional layer of aluminum are employed. The system in this

reference is obviously different than the claimed system of the subject application. Once again, the EPO merely cites this reference as "technological background."

Consideration of the full text of all EPO references and their U.S. counterparts is respectfully requested.

Dated: Jan 27th 1997

Klaus W. Hartig

Dated: JAN 27th, 1997

Philip J. Lingle

Dated: Jan 27, 1997

Steve L. Larson

Attachments